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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,568	05/02/2001	Frederik M. DeWolf	T7900-10	6323
35465	7590	02/01/2006	EXAMINER PATEL, JAGDISH	
GREGORY CHARLES FLICKINGER 223 PHEASANT RUN SE ROME, GA 30161			ART UNIT 3624	PAPER NUMBER
DATE MAILED: 02/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,568	DEWOLF ET AL.	
	Examiner	Art Unit	
	JAGDISH PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-5,7-9,13,14,17-19,21,22,24,25,27-29,31-33,35,37,38,42,43,46-48,50-52,54-61,64-71,74,76-79 and 81-89.

Continuation of Disposition of Claims: Claims rejected are 1-5,7-9,13,14,17-19,21,22,24,25,27-29,31-33,35,37,38,42,43,46-48,50-52,54-61,64-71,74,76-79 and 81-89.

DETAILED ACTION

1. This communication is in response to amendment filed 10/13/05.

Response to Amendment

2. Claims 1, 52, 54, 71, 76 and 84 have been amended. New claims 85-89 have been added.

Claims 1-5,7-9,13,14,17-19,21,22,24,25,27-29,31-33,35,37,38,42,43,46-48,50-52,54-61,64-71,74,76-79 and 81-89 are currently pending and have been examined.

Response to Arguments

3. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejections.

Claim Objections

4. Claims 71, 84, 85 and 87 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

5. The test applied for a proper dependent claim is whether the dependent claim includes every limitations of the parent claim. In this instance, Claim 84 is directed to an asset record (a product), while claim 52 is directed to an apparatus or a system. Claim 84 does not contain each and every elements of the system recited in claim 52. A product can infringe on the "asset

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record” of claim 84 without infringing the apparatus used to create it, namely the system of claim 52.

6. The test for proper dependent claim is whether the dependent claim includes every limitation of the parent claim. The test is not whether the claims differ in scope. A proper dependent claim shall not conceivably be infringed by anything which would not also infringe the basic claim.

7. Claims 71, 85 and 87 are similarly analyzed as improper claims objected on the same rationale.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 71, 84 and 87 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 71, 74, 84 and 87 are rejected under 35 USC § 101 because the claimed inventions are directed to non-statutory subject matter. Claims 84 and 87 are directed to disembodied data structure which are per se are not statutory (*In re Warmerdam*, No. 93-1294 (Fed. Cir. August 11, 1994)). The examiner suggests to redraft the claims to include a computer-readable medium so that the claimed software in combination with a computer-readable medium will be capable of producing a useful, concrete and tangible result. A claim to a computer-readable medium encoded with functional descriptive material that can function with a computer to effect a practical application that results in a useful, concrete and tangible result (i.e. executing a stock transaction or generating an investment portfolio) satisfies section 101. See U.S. Patent 5,710,578 to Beauregard et al.

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As an example, claim 84 is directed to :an asset record” stored on a computer readable medium and is readable by a processor. However, there is no functionality associated with the record itself even if it is read by the processor(s). Therefore, claim is treated as being directed to a non-functional data structure. Claim 87 is also interpreted in a similar manner as being directed to a non-functional data structure.

Claims 71 and 74 are similarly analyzed.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 25, 27, 28-29,31-33,35, 37, 38,42,43,47-48, 50, 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The aforementioned claims are rejected because it is unclear how these claims further limit independent claim 1 upon which they depend. For example, per claim 27, “the current owner” is a not a process or action, alternatively, the method as recited in claim 1 does not dependent upon who manages the read and write privileges.

Regarding claim 28 the process of recording and storing ..pertaining to transactions does not functionally relate to any process step of independent claim 1. Dependent claims 29,31-33,35, 37-38,42,43,47-48 also inherit same deficiency.

Claim 51 also recites similar limitation as claim 27.

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Claim 29 and dependent claims recite features of “a transaction” pertaining to the asset which cannot be functionally related to any process step of claim 1. This deficiency renders the functional relationship of claims 29 and dependent claims to their independent claim 1 undefined and unclear.

Claim 27 recites “the current owner” , claim 37 recites “the change in the status” claim 46 recites “the various entities”. All these limitations lack positive antecedent basis in the parent claim.

Claim 25 recites phrase “may be” and claim 50 recites phrase “can be” which renders the claims indefinite because the scope of the claim cannot be ascertained with any degree of definiteness.

Claims 71, 74, 84: An asset record which is stored on a computer readable medium being readable by one or more processor to grant read or write access., however, there is no structural limitation of the asset record which would impart the recited functionality.

Claim 85: recites one or more computer-readable memories ..”to perform the method recited in claim 1”. (see claim 84). Since the functionality is recited only in terms of intended use, this claim is readable on any computer-readable memory or memories which contain a computer program ..or instructions that is executable. It is recommended that “to perform” should be changed to “performs” in claim 84.

11. Claim 86 recites the limitation "means for recording and categorizing.." . There is insufficient antecedent basis for this limitation in the claim. It is assumed that the applicant intended this claim to depend upon claim 55.

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Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

13. Claims 1-5, 7-9, 13-14, 22, 25, 27, 28, 46, 52, 54-61, 65, 76-77, 79, 81, 86, 88 and 89 are rejected under 35 U.S.C. 102(a) as being anticipated by Logan (WO 97/24687 (Logan)).

14. As per claim 1-5, 7-9, 13-14, 22, 25, 27, 28, 46, 52, 54-61, 65, 76-77, 79, 81, 86, 88 and 89 Logan discloses a method for recording information related to assets throughout a life cycle of the asset, the method comprises:

assigning a unique identifier to the asset:

(p.27 and p. 27 L 23- L 12, refer to Product ID)

recording information related to the asset in an electronic registry, wherein the information is associated with the unique identifier:

(p. 29, General Product Definitions, Data Servers 107 stores information related to products)

categorizing the information related to the asset into multiple attributes;

(p. 28, “Product Parameters” and p. 29, refer to “product category”)

managing read and write privileges to the electronic asset registry for a plurality of

entities wherein the managing of read and write privileges is accomplished using one or more

processors or computer devices; and

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(p. 24, “requests for reads, writes, and updates..”; “information defined at the highest level...by a limited number of individuals having access to that level..highest level of priority and security, p. 30 Definition of Products at Highest Level, here “authority to define a product” implies “write” privilege and “made available to the various node systems 28” implies that the users at these nodes have “read” privilege)

providing access to asset attributes to entities that have interest in the asset wherein an entity having write privileges for a first attribute of the asset can write data related to a change in the first attribute of the asset to the asset registry, and an entity having read privileges for a second attribute of the asset can read data related to the second attribute. (refer to detailed description at p. 27-39, which provides access rights of product parameters at various levels.)

Claims 2, 3 and 76-77: information ..asset is recorded over the entire life cycle of the asset/ only a portion of a life cycle of the asset. (see product start date and stop date, p. 28 L 12 also refer to Package Termination p. 50)

Claim 4: asset includes multiple components. (refer to p. 38).

Claim 5: information related to the asset includes data corresponding to each component part. (see General Product Definition).

Claim 7: asset is a multi-vendor asset (see p. 52 Customer-Account-Service Linking).

Claim 8: information related to the asset includes data corresponding to each sub-asset..(Refer to p. 41 Package Information).

Claim 9: information related to the asset includes data identifying a manufacturer of the asset (Package Information, p.41).

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Claim 13: information related to the asset includes documents associated with the asset (Refer to Package Definition).

Claim 14: documents consists of at least one of the ..specifications (Package Definition).

Claim 22: entities ..communicate with the asset registry over an electronic network (see access system 104 operation p. 16).

Claim 25: Logan teaches that the identifier may be newly created (see Product parameters p. 28).

Claim 27: Logan teaches that the owner manages the read and write privileges (a corporation see p. 27-28, ..standards that are adhered to at all levels of product definitions).

Claim 28: recording and storing data related to ..transactions pertaining to the asset, ..change in status of the asset..change in value of asset, ..buying, selling ..disposing of the asset (see p. 43 ..revenue split percentage defined as a package parameter.).

Claim 46: the entities include at least the manufacturer or vendor and the purchase of the asset (see entities at various levels or users as defined in Logan).

Claim 52: refer to analysis of claim 1 which incorporate discussion of functions associated with elements “electronic registry”, “electronic interface for managing read and write privileges” and an electronic interface for providing access to various attributes to a plurality of entities. (see Figures, 1-16 and detailed description). Note that “wherein” phrase of claim 52 is not accorded any patentable weight because it does not alter the structure of the system.

Claim 54: ..electronic network (see p. 7 and 8, “WAN”).

Claim 55: Logan teaches a system for recording information related to an asset and providing access to the information to interested entities, the system comprises:

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Means for recording information related to the asset (p. 16 and 17 data directory servers 106 and database data server 107 which comprises databases storing asset information);

Means for categorizing the information into various attributes; (p. 28, "Product Parameters" and p. 29, refer to "product category" refer to OMS 12);

Means for managing read and write privileges to entities having an interest in the asset; (p. 24, "requests for reads, writes, and updates.."; "information defined at the highest level...by a limited number of individuals having access to that level..highest level of priority and security, p. 30 Definition of Products at Highest Level, here "authority to define a product" implies "write" privilege and "made available to the various node systems 28" implies that the users at these nodes have "read" privilege)

means for providing access to the various attributes of the asset to the entities having an interest in the asset:

(refer to graphical user interface described under "Customer Service Interface", p. 53-54).

The examiner has treated the "wherein phrase" recites the aforementioned limitation only in terms of intended use (entities can write data..read data) This intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

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Per claim 86 (depending upon claim 55), Logan teaches that the means referred to in claim are embodied on one or more computer-readable memories..executable by one or more processors.

Regarding claims 56-61, all elements recited in the subject claims have been explicitly shown in Logan reference. Many of these elements correspond to respective method claims analyzed previously.

Claim 65: refer to discussion of term “asset” in previous claims.

Claims 79, 81: refer to claim 52 analysis, noting that claim 79 does not alter the structure of the system of claim 52.

Claim 88: refer to analysis of claims 1-5 and Database access system 104 Operations p.

16.

Claim 89: please refer to analysis of claim 1.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 17-19, 21, 24, 27, 46, 50-51, 64, 66-70, 78, 81-83 are rejected under 35

U.S.C. 103(a) as being unpatentable over Logan as applied to claim 1 above.

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Claims 17-19 and 21: Logan fails to explicitly teach that the product is defined in context of assets pertaining to products and services offered by a Cable operator, it is asserted that the method and system is also applicable to any type of assets since no patentable distinction is made between assets referred to in the subject claims versus those disclosed in Logan patent.

Claim 24: Logan fails to teach that the network is the Internet.

Official Notice is taken that communication of product data stored in a database via the Internet is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have the entities communicate with the asset registry via the Internet because of wide spread access and availability and superior economy offered by the Internet.

Claims 27 and 50-51: regarding claims 50 and 51, Logan fails to teach explicitly that the read and write privileges can be changes during the cycle of the asset. However, official notice is taken that changing read write privileges for sensitive data during life cycle of database is old and well known. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have this feature for the management of effective business operation of the assets. Claim 27 is rejected on similar grounds.

Claims 46 and 78 : Logan fails to explicitly teach that the various entities comprise entities identified in the claim. However, it is asserted that the method and system of Logan would be usable by any entity since no patentable distinction is made between entities referred to in the subject claims versus those disclosed in Logan patent.

Claim 66, 67 and 64: Logan fails to explicitly teach that one of attributes is legal ownership. However, it is asserted that the method and system of Logan would be usable by for any attributes since no patentable distinction is made in the claim in terms of the functionality of

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the method or the structure of the apparatus referred to in the subject claims versus those disclosed in Logan patent.

Claim 64 is similarly analyzed.

Claims 68-70, 82 and 83 have been analyzed in similar manner as claims 46 and 17-19 and 21.

Claim 81 is rejected on the same grounds as claim 52.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jagdish N. Patel

(Primary Examiner, AU 3624)

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